

REMARKS

Claims 1-8 stand rejected under 35 USC §101 as not being appropriately directed to statutory subject matter. Applicant is appreciative of the recognition of allowable subject matter in connection with claims 9-17. Reconsideration of the rejections (and allowance of all the pending claims) is respectfully requested in view of the foregoing amendments and the following remarks.

Claims 1 and 9 have been amended. Claims 1-17 remain pending.

Claim 1 has been amended to further emphasize utilitarian aspects of the present invention. Claim 1 is directed to a method of operating an air compressor system for a railroad locomotive including an air compressor. Applicant respectfully submits that there is nothing abstract about operating an air compressor system for a railroad locomotive. Applicant asserts that the claimed invention is useful for predicting a faulted condition regarding the operation of the air compressor system in a railroad locomotive. The claimed invention is further useful for generating an indication of the faulted condition regarding the operation of the air compressor system. The foregoing constitutes a particular practical purpose (e.g., predicting and/or generating an indication of the faulted condition regarding the operation of the air compressor system has a specific and substantial utility in a railroad locomotive). Moreover, applicant believes that the foregoing results would be considered credible by a person of ordinary skill in the art, and, consequently, the rejection based on lack of utility (not producing a useful, concrete, and tangible result) should be withdrawn.

Applicant makes reference to M.P.E.P. § 2106, "Patent Subject Matter Eligibility" and § 2107, "Guidelines for Examination of Applications for Compliance with the Utility Requirement", and respectfully submits that the claimed invention meets all applicable statutory requirements, and, furthermore, is consistent with the above-referred guidelines. In view of the foregoing discussion, applicant respectfully requests that the §101 rejections be withdrawn

and this application be allowed to issuance.

Independent claims 1 and 9 were amended to recite in plain English the basis on which the value of slip is based. More importantly, the scope of the claims remain consistent with the subject matter previously determined by the Examiner to be allowable, and, consequently the allowability of such claims remains unaffected.

It is respectfully submitted that each of the claims pending in this application recite patentable subject matter and it is further submitted that such claims comply with all statutory requirements and thus each of such claims should be allowed.

DATED this 25<sup>th</sup> day of June, 2007.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read 'Enrique J. Mora', is written over a horizontal line.

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